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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,538	09/10/2003	James A. Lento	23256.00	1950
7590	05/04/2004		EXAMINER	
Richard C. Litman LITMAN LAW OFFICES, LTD. P.O. Box 15035 Arlington, VA 22215			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/658,538	LENTO, JAMES A.
	<b>Examiner</b>	<b>Art Unit</b>
	Gary L. Welch	3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 September 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09102003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romandetto (U.S. 5,018,221) in view of Helenick (U.S. 6,141,801).

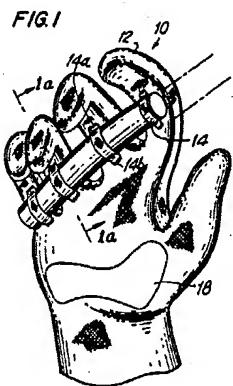
Romandetto discloses a glove 10 for holding a cylindrical object 16. The glove 10 has a back covering, a palm covering joined to the back covering (Figure 1), a wrist portion extending from the sheath and encircling a user's wrist, a plurality of tubular finger sleeves 12 extending from the sheath, a tubular thumb sleeve and an elastic band 14 extending diagonally across the palm covering and adapted for retaining a cylindrical object 16. While Romandetto does not disclose that the glove is used for holding drumsticks, the structure of Romandetto is capable of being used for the placement of a drumstick within the elastic band. Romandetto discloses all structural limitations except for that the tubular finger sleeves are open ended.

However, Romandetto does not disclose that the tubular finger sleeves are open ended.

Art Unit: 3765

Helenick teaches a glove having a plurality of tubular finger sleeves (Figure 4) that are open at each end. A benefit of having open ended tubular finger sleeves in lieu of closed ended finger sleeves is that open ended finger sleeves enables the user to have enhanced dexterity and tactile sensitivity (Col. 4, lines 35-45) when performing various tasks while ensuring that the remainder of the hand is protected.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the glove of Romandetto having open ended tubular finger sleeves in lieu of closed ended finger sleeves in order to allow the user to have enhanced dexterity and tactile sensitivity when performing various task while ensuring that the remainder of the hand is protected.



With regard to claims 2 and 7, an elastic band 14 is attached to the index finger sleeve.

With regard to claim 3, two elastic bands 14 extend diagonally across the palm covering.

Art Unit: 3765

With regard to claims 4 and 8, the Romandetto discloses four elastic bands extending diagonally across the palm covering. However, it would have been obvious through routine experimentation to only provide two elastic bands in order to save material and manufacturing costs.

With regard to claim 5, the invention is disclosed in the above rejections.

With regard to claim 6, the finger sleeves comprise an index finger sleeve, a middle finger sleeve, a ring finger sleeve and a little finger sleeve.

With regard to claims 9 and 10, the invention is disclosed in the above rejections.

With regard to claim 11, the claim is merely the addition of another glove so as to enable the user to have both of his or her hands protected. Therefore, it would have been obvious to provide multiple gloves that are mirror images of one another so that a person can have both of his or her hands protected at the same time.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Butcher '980, Merrion '997, Wagner '228, Seats '701, Floyd, Jr. '922, Hall, Jr. et al. '574, Guthrie et al. '706, Wallace '121, Westmoreland D'311 and Gerrits '328 disclose various hand coverings having a band attached to the palm area for retaining an object thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

Art Unit: 3765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw